

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on November 1, 2002, and the references cited therewith.

No claims are amended; claims 1-10 and 31-52 remain pending in this application.

#### **Claim Objections**

Claims 7, 38, and 49, which appeared to be substantial duplicates of claims 6, 37, and 48, are in fact different in scope because they depend from different claims having different limitations. These claims are therefore not amended.

#### **§102 Rejection of the Claims**

Claims 1-9, 31-40 and 42-51 were rejected under 35 USC § 102(b) as being anticipated by Kohno et al. (U.S. 5,153,874).

Kohno discusses a system in which the same signal is sent from each node over a pair of redundant transmission lines. This is described in the specification at col. 3, ln. 20-21, and illustrated by line drivers 2a and 2b having common inputs as shown in Figure 1. Kohno further compares signals received on the two transmission lines, and displays a result of the comparison such as via display control circuit 11. The displayed information is then used by an operator to estimate the occurrence of an abnormality in a repeater in one of the two lines (*see*, col. 3, ln. 51-53).

In contrast, the claims of the present invention describe a system and method in which either the primary or secondary network connection is selected for sending and receiving data between nodes, where the selection is made independently for each pair of nodes. As Kohno is not capable of sending a signal over only one line at a time and is not operable to select a line based on a specific pair of nodes desiring communication, Kohno does not anticipate this aspect of the pending claims.

Because Kohno requires sending all data through both lines (*see, e.g.* the Abstract, lines 1-3), and because Kohno is not operable to select a line over which to send data but is simply

operable to notify a user of differences detected between the lines indicating an abnormality, Kohno does not anticipate the pending claims of the present invention.

Reexamination and allowance of the pending claims here rejected is therefore respectfully requested.

*§103 Rejection of the Claims*

Claims 10, 41 and 52 were rejected under 35 USC § 103(a) as being unpatentable over Kohno et al. in view of Momona (U.S. 6,434,117).

These claims depend from independent claims believed to be in condition for allowance as explained in greater detail above, and are therefore believed to be in condition for allowance as depending on allowable base claims.

Applicant further points out that Momona simply uses intermediate nodes in a serial communications chain to communicate between nodes not directly linked but linked via the serial chain. Momona fails to consider redundant networking, and fails to consider routing data through an intermediate node in a redundant network to provide communication between two nodes. Momona therefore fails to select a connection at all, much less selecting a connection from an originating node to an intermediate node and again selecting a connection from the intermediate node to a destination node.

Should this rejection be maintained, applicant respectfully points out that there is no motivation for combination of the two references, and that the function of Momona resembles neither the function and purpose of Kohno nor the function and purpose of the present invention as taught in the pending claims and in the specification. Applicant therefore further objects to combination of these references as lacking motivation for combination, and for simply being a piecemeal combination of parts irrespective of function or purpose.

Because many elements of these claims are not present in either the Kohno or Momona references, and because these claims depend from claims shown to be in condition for allowance, applicant respectfully requests reexamination and allowance of these pending claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date Mar 3 03

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 3 day of March, 2003.

Name Tina Kohout

Signature [Signature]